

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEORGELYN LANTZ,

Plaintiff,

No. 14-12813

v.

District Judge Linda V. Parker
Magistrate Judge R. Steven Whalen

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

ORDER

Before the Court is Defendant State Farm Mutual Automobile Insurance Company's ("State Farm's") Motion to Enforce Subpoena Issued to Darci Carpenter, RN and/or to Show Cause Darci Carpenter for Failing to Comply with Subpoena [Doc. #74].

This is a first-party claim under Michigan's No-Fault Insurance Act. Plaintiff seeks personal protection insurance benefits for injuries alleged to have arisen from an automobile accident. Darci Carpenter, a Registered Nurse, is one of Plaintiff's medical providers. While Plaintiff has signed HIPPA authorizations, and State Farm has obtained Plaintiff's medical records, Nurse Carpenter has not to date complied with a deposition subpoena. According to the motion, "Ms. Carpenter was informed by her employer to not proceed with the deposition." *Motion*, ¶ 7(e).

Because Plaintiff has put her medical condition at issue in this lawsuit, and has waived any claim of privilege by filing the lawsuit and signing the HIPPA releases¹,

¹ M.C.L. § 600.2157 provides that a patient who "brings an action against any defendant to recover for any personal injuries" is deemed to have waived the medical privilege.

Nurse Carpenter's testimony is relevant, and she has no basis to not comply with a deposition subpoena. Nor may her employer require her to defy either a lawfully issued subpoena or any order of this Court.

In her response [Doc. #76], Plaintiff urges the Court to "rule as it sees fit regarding Defendant's motion." Accordingly,

IT IS ORDERED that Defendant's Motion to Enforce Subpoena [Doc. #74] is GRANTED.

IT IS FURTHER ORDERED that Darci Carpenter will appear for her deposition, which will be scheduled no later than 21 days from the date of this Order.

IT IS FURTHER ORDERED that Darci Carpenter's failure to appear at her deposition will result in sanctions against her, and may include sanctions for contempt of court.

IT IS SO ORDERED.

s/ R. Steven Whalen

R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: January 19, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on January 19, 2016, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla

Case Manager to the
Honorable R. Steven Whalen